

Appln. No. 10/678,871

Amendment filed October 3, 2005

Response to Office Action mailed April 1, 2005

**LISTING OF CLAIMS:**

This listing of claims will replace all prior versions, and listing, of claims in the application:

1. (Currently Amended) A method for a real estate agent to obtain a real estate listing for a property of a seller, the method comprising:

providing consideration to the seller;

receiving from the seller the real estate listing of the property in

return for providing the consideration to the seller; ~~and~~

receiving return consideration from the seller if a sale condition for

the property is met; and

using a computer to track at least one of the consideration, the real

estate listing and the return consideration.

2. (Original) The method of claim 1, wherein the consideration includes an up-front payment to the seller.
3. (Original) The method of claim 1, wherein the sale condition is receipt of a bona fide offer to purchase the property.
4. (Original) The method of claim 1, wherein the sale condition is an executed purchase contract.

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5. (Original) The method of claim 1, further comprising not receiving the return consideration refund if the sale condition is not met.
6. (Original) The method of claim 1, wherein receiving return consideration includes receiving a refund of at least a portion of the consideration.
7. (Original) The method of claim 1, wherein receiving return consideration includes offsetting a purchase price for the property with the refund.
8. (Original) The method of claim 1, wherein receiving return consideration includes the real estate agent increasing a commission received from the seller.
9. (Original) The method of claim 1, wherein the property has an associated price and providing consideration to the seller includes providing an advance of the price, and wherein receiving return consideration includes offsetting monies provided to the seller based on sale of the property by the advance.
10. (Original) The method of claim 1, wherein:
  - the providing consideration includes providing consideration to a plurality of sellers;
  - the receiving the listing includes receiving listings from the plurality of sellers; and

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the receiving a refund includes receiving a refund from a group of  
the plurality of sellers for which a corresponding sale condition is  
met.

11. (Original) The method of claim 1, wherein the listing is an exclusive listing.
12. (Original) The method of claim 10 wherein the group of sellers have different sale conditions.
13. (Original) The method of claim 1, further comprising receiving financing from a financing agent.
14. (Original) The method of claim 13, further comprising using the financing to provide consideration to the seller.
15. (Original) The method of claim 13, further comprising making payment in return for receiving the financing.
16. (Original) The method of claim 15, wherein the payment in return for the financing includes paying a percentage of the financing.
17. (Original) The method of claim 15, wherein the payment in return for the financing includes paying a percentage of commissions for sale of one or more properties.
18. through 77 ( Previously Cancelled).

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78. (Previously presented) The method of claim 1, wherein receiving return consideration includes receiving an increased commission as compared to other contracts for real estate listings.
79. (Previously presented) The method of claim 1, wherein the receiving return consideration includes receiving the return consideration if the sale condition is met during a time period.
80. (Previously presented) The method of claim 79, wherein the real estate listing is an exclusive real estate listing for an exclusivity time period, and wherein the time period equals the exclusivity time period.
81. (Previously presented) The method of claim 1, wherein the consideration includes one or more of the following: money; goods; or services.
82. (New) The method according to claim 1, further comprising:
- offering the seller a first arrangement wherein the real estate agent obtains the listing for the property and an opportunity to receive a first commission, and
  - offering the seller a second arrangement wherein the real estate agent obtains the listing for the property and an opportunity to receive a second commission,
  - wherein the second commission is greater than the first commission by an amount,
  - wherein the seller receives the consideration for providing the listing in the second arrangement, the consideration not being included in the first arrangement; and
  - receiving a selection from the seller of the second arrangement, wherein the return consideration includes the amount.

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83. (New) The method of claim 1, wherein providing consideration to the seller is prior to sale of the property and is not conditional on sale of the property.

84. (New) The method of claim 1 further comprising allowing the seller to retain at least a portion of the consideration if the sale is not met.

85. (New) The method of claim 1 further comprising:

offering the seller a first arrangement wherein the real estate agent obtains the listing for the property of the seller and receives an opportunity to obtain a first commission from the seller if a first sale condition is met; and

offering the seller a second arrangement wherein the real estate agent obtains the listing for the property and receives an opportunity to obtain a second commission if a second sale condition is met, and wherein the seller receives the consideration in return for the listing, the consideration not being included in the first arrangement, and wherein the seller keeps at least a portion of the consideration if the second sale condition is not met.

86. (New) A method for a real estate agent to obtain a real estate listing for a property of a seller, the method comprising:

providing up-front consideration to the seller;

receiving from the seller the real estate listing of the property in return for the up-front consideration;

receiving a refund of at least a portion of the consideration from the seller if a sale condition is met;

allowing the seller to retain at least a portion of the consideration if the sale condition is

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not met; and

using a computer to track the consideration, real estate listing or refund.